

**Commonwealth of Kentucky
Environmental and Public Protection Cabinet
Department for Environmental Protection
Division for Air Quality
803 Schenkel Lane
Frankfort, Kentucky 40601
(502) 573-3382**

**Conditional Major
AIR QUALITY PERMIT
Issued Under 401 KAR 52:030**

DRAFT

Permittee Name: Owensboro Paving Company
Mailing Address: P.O. Box 2000, Owensboro, Kentucky 42302

Source Name: Owensboro Paving Company
Mailing Address: Same as Above

Source Location: 5001 Highway 60 East, Owensboro, Kentucky 42302

Permit Number: F-04-002
Log Number: 55952
AI #: 978
Review Type: Conditional Major
KYEIS ID #: 21-059-00149
SIC Code: 2951

Regional Office: Owensboro Regional Office
3032 Alvey Park Drive W., Suite 700
Owensboro, KY 42303-2191
(270) 687-7304

County: Daviess

Application
Complete Date: November 12, 2003
Issuance Date: , 2004
Expiration Date: , 2014

**John S. Lyons, Director
Division for Air Quality**

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SECTION A - PERMIT AUTHORIZATION

Pursuant to a duly submitted application, which was determined to be complete on November 12, 2003, the Kentucky Division for Air Quality hereby authorizes the construction and operation of the equipment described herein in accordance with the terms and conditions of this permit. This permit has been issued under the provisions of Kentucky Revised Statutes Chapter 224 and regulations promulgated pursuant thereto.

The permittee shall not construct, reconstruct, or modify any affected facilities without first having submitted a complete application and receiving a permit for the planned activity from the permitting authority, except as provided in this permit or in 401 KAR 52:030, Federally-enforceable permits for non-major sources.

Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by this Cabinet or any other federal, state, or local agency.

SECTION B - AFFECTED FACILITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS

Batch Mix Plant

- 01 (1) Rotary Dryer (Model H & B, 88" x 30')**
 Natural gas fired
 Maximum rated capacity - 200 tons/hour
 Construction commenced: 1972
 Control equipment: baghouse/fabric filter

APPLICABLE REGULATIONS:

401 KAR 61:020, Existing process operations.

1. Operating Limitations:

- a. The batch mix asphalt plant shall not produce more than 306,000 tons of asphalt during any consecutive twelve (12) month period.
- b. The rotary dryer shall not be operated for more than 1,530 hours during any consecutive twelve (12) month period in order to keep annual carbon monoxide emissions below 100 tons/year and preclude Title V applicability.

2. Emission Limitations:

- a. Pursuant to Regulation 401 KAR 61:020, Section 3(2)(a), the emissions of particulate matter for each respective emission point shall not exceed the allowable rate limit as calculated by one of the following equations using the process weight rate (in units of tons/hr).

For process rates $\leq 1,000$ lbs/hr: $E = 2.34$ lbs/hr

For process rates up to 60,000 lbs/hr: $E = 4.10P^{0.67}$

For process rates in excess of 60,000 lbs/hr: $E = 55.0P^{0.11} - 40$

For the equation, E = rate of emission in lbs/hr and P = process weight rate in tons/hr

- b. Pursuant to Regulation 401 KAR 61:020, Visible emissions into the open air from the rotary dryer shall not equal or exceed forty percent (40%) opacity based upon a six-minute average.

Hourly Particulate Emission Rate = [Monthly processing rate x Emission Factor as determined from AP-42 / (Hours of operation per month)]

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

2. Emission Limitations (continued):

Compliance Demonstration Method:

In determining compliance with the opacity standard as listed above at least once per month, the owner or operator shall use Reference Method 9 and the procedure described in 40 CFR 60.11. See Specific Monitoring Requirements below for daily qualitative observation requirement.

3. Testing Requirements:

EPA Reference Method 5 or equivalent shall be performed within 6 months from issuance of this permit to determine the amount of PM emissions.

4. Specific Monitoring Requirements:

- a. Once per day, the permittee shall check each emission unit for visible emissions. If no visible emissions are observed then no further monitoring is required. If visible emissions are seen, (not including condensed water vapor within the plume), then the opacity shall be determined by Reference Method 9. If emissions are in excess of the applicable opacity limit, then an inspection shall be initiated of control equipment for all necessary repairs.
- b. For the baghouse, the permittee shall maintain, calibrate and operate according to manufacturer's specification, a monitoring device for measurement of the differential static pressure across the baghouse. The differential static pressure shall be measured and recorded continuously (if a continuous recorder is employed), or once per shift, if a continuous recorder is not employed.

5. Specific Recordkeeping Requirements:

- a. The production log shall show the amount of asphalt produced each month, in tons, and a rolling twelve (12) month total of asphalt production, obtained by adding each month's total to those for the previous eleven (11) months.
- b. The fuel usage log shall show the amount of natural gas used each month. Fuel usage shall be expressed in millions of cubic feet per month.
- c. All log sheets shall be kept on site for five (5) years from the date of last entry and shall be made available, upon request, for inspection by the Cabinet or the U.S. EPA. See Section F, Condition 2.
- d. The emissions log shall show the amount of particulate emissions produced each month, in tons, and a rolling twelve (12) month total of particulate emissions, obtained by adding each month's total to those for the previous eleven (11) months.
- e. The operating hours log shall show the total hours of operation each month and a rolling twelve (12) month total of operating hours, obtained by adding each month's total to those for the previous eleven (11) months.

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

6. Specific Reporting Requirements:

See Section F, Conditions 5, 6, 7 and 8.
See Section G, Condition (a) 4.

7. Specific Control Equipment Operating Conditions:

All control devices shall be properly maintained in accordance with the manufacturer's specifications, kept in good operating condition, and used in conjunction with the associated processes.

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

Drum Mix Plant

02 (2) Rotary Dryer (Astec Portable Drum Mix, 8' diameter)

Natural gas, fuel oil, or waste oil fired

Maximum rated capacity - 400 tons/hour

Construction commenced: 1994

Control equipment: baghouse/fabric filter

APPLICABLE REGULATIONS:

401 KAR 60:005, Standards of performance for new stationary sources, which incorporates by reference 40 CFR 60.90 (40 CFR 60, Subpart I).

401 KAR 52:090, Prohibitory rule for hot mix asphalt plants.

1. Operating Limitations:

Pursuant to State Regulation 401 KAR 52:090, Section 3, the owner or operator shall comply with the following operational limits and fuel usage requirements:

- a. Drum mix plants shall not produce more than 500,000 tons of asphalt during any consecutive twelve (12) month period.
- b. The rotary dryer shall not be operated for more than 1,250 hours during any consecutive twelve (12) month period in order to keep annual carbon monoxide emissions below 100 tons/year and preclude Title V applicability.
- c. Waste oil shall not be used as a fuel for the rotary dryer or the asphalt heater unless it has been recycled and meets or exceeds the following specifications:
 1. No more than five (5) ppm of arsenic,
 2. No more than two (2) ppm of cadmium,
 3. No more than ten (10) ppm of chromium,
 4. No more than 100 ppm of lead,
 5. No more than 1000 ppm of total halogens, and
 6. Minimum flash point of 100 degrees F.

2. Emission Limitations:

- a. Pursuant to Regulation 40 CFR 60.92(a)(1), particulate matter emissions into the open

air shall not exceed 0.04 gr/dscf.

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

2. Emission Limitations (continued):

- b. Pursuant to Regulation 40 CFR 60.92(a)(2), any continuous emissions into the open air shall not equal or exceed twenty percent (20%) opacity.

Compliance Demonstration Method:

- a. Performance tests used to demonstrate compliance with the particulate matter standard as listed above shall be conducted according to Reference Method 5. The sampling time and sample volume for each run shall be at least 60 minutes and 31.8 dscf.
- b. In determining compliance with the opacity standard as listed above, the owner or operator shall use Reference Method 9.

3. Testing Requirements:

EPA Reference Method 5 or equivalent shall be performed within 6 months from issuance of this permit to determine the amount of PM emissions.

4. Specific Monitoring Requirements:

- a. Once per day, the permittee shall check each emission unit for visible emissions. If no visible emissions are observed then no further monitoring is required. If visible emissions are seen, (not including condensed water vapor within the plume), then the opacity shall be determined by Reference Method 9. If emissions are in excess of the applicable opacity limit, then an inspection shall be initiated of control equipment for all necessary repairs.
- b. For the baghouse, the permittee shall maintain, calibrate and operate according to manufacturer's specification, a monitoring device for measurement of the differential static pressure across the baghouse. The differential static pressure shall be measured and recorded continuously (if a continuous recorder is employed), or once per shift, if a continuous recorder is not employed.

5. Specific Recordkeeping Requirements:

Pursuant to State Regulation 401 KAR 52:090, Prohibitory rule for hot mix asphalt plants, Section 5, monthly logs of asphalt production and fuel usage shall be maintained as follows:

- a. The production log shall show the amount of asphalt produced each month, in tons, and a rolling twelve (12) month total of asphalt production, obtained by adding each month's total to those for the previous eleven (11) months.
- b. The fuel usage log shall show the amount of natural gas, fuel oil, or waste oil used each month. Fuel oils shall be identified by number (i.e., #2, #4, etc.) and fuel usage shall be expressed in gallons. Material Safety Data Sheets (MSDS) shall be maintained with the fuel usage shall be expressed in millions of cubic feet per month.

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

5. Specific Recordkeeping Requirements (continued):

- c. All log sheets shall be kept on site for five (5) years from the date of last entry and shall be made available, upon request, for inspection by the Cabinet or the U.S. EPA. See Section F2.
- d. The operating hours log shall show the total hours of operation each month and a rolling twelve (12) month total of operating hours, obtained by adding each month's total to those for the previous eleven (11) months.

6. Specific Reporting Requirements:

See Section F, Conditions 5, 6, 7 and 8.

See Section G, Condition (a) 4.

7. Specific Control Equipment Operating Conditions:

All control devices shall be properly maintained in accordance with the manufacturer's specifications, kept in good operating condition, and used in conjunction with the associated processes in accordance with the manufacturer's specifications.

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

Batch Mix Plant:

- 03 (-) Aggregate Handling
- (-) Stockpiles

Drum Mix Plant:

- 04 (-) Aggregate Handling
- (-) Stockpiles
- 05 (-) Haul Road and Yard Area (paved)
- (-) Haul Road and Yard Area (unpaved)

Additions:

- 06 (-) Stockpile (magnetite)
- (-) Barge Loadout (magnetite)
- (-) Truck Loadout (magnetite)

APPLICABLE REGULATIONS:

State-Origin Applicable Regulations:

401 KAR 63:010, Fugitive emissions.

1. Operating Limitations:

N/A

2. Emission Limitations:

- a. Pursuant to Regulation 401 KAR 63:010, Section 3, reasonable precautions shall be taken to prevent particulate matter from becoming airborne. Water sprays shall be used to control the emissions of particulates during aggregate handling. In addition, water shall be applied to stockpile areas as well as to the haul road and yard area on a regular basis so as to suppress fugitive emissions of particulate matter during storage and transporting of materials.
- b. Pursuant to Regulation 401 KAR 63:010, Section 3, discharge of visible fugitive emissions beyond the property line is prohibited.

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

3. Testing Requirements:

N/A

4. Specific Monitoring Requirements:

See Section F, Condition 2.

5. Specific Recordkeeping Requirements:

None

6. Specific Reporting Requirements:

None

7. Specific Control Equipment Operating Conditions:

The control equipment (wet suppression for the conveyors, truck dump, stockpiles and haul road) shall be operated and maintained as necessary to maintain compliance with applicable requirements, in accordance with the manufacturer's specifications and/or standard operating procedures.

See Section E for further requirements.

SECTION C - INSIGNIFICANT ACTIVITIES

The following listed activities have been determined to be insignificant activities for this source pursuant to 401 KAR 52:030, Section 6. While these activities are designated as insignificant the permittee must comply with the applicable regulation and some minimal level of periodic monitoring may be necessary.

	<u>Description</u>	<u>Generally Applicable Regulation</u>
1.	Asphalt Heater (Batch Mix Plant)	None
2.	Asphalt Heater (Drum Mix Plant)	None

SECTION D - SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS

1. As required by Section 1b of the material incorporated by reference in 401 KAR 52:030 Section 10, compliance with annual emissions and processing limitations contained in this permit, shall be based on emissions and processing rates for any twelve (12) consecutive months.
2. Particulate and visible emissions, as measured by methods referenced in 401 KAR 50:015, Section 1, shall not exceed the respective limitations specified herein.

SECTION E - SOURCE CONTROL EQUIPMENT REQUIREMENTS

1. Pursuant to 401 KAR 50:055, Section 2(5), at all times, including periods of startup, shutdown and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the division which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.
2. All fugitive emissions shall be controlled in accordance with Regulation 401 KAR 63:010.

SECTION F - MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS

1. Pursuant to Section 1b (IV)(1) of the materials incorporated by reference in 401 KAR 52:030 Section 10, when continuing compliance is demonstrated by periodic testing or instrumental monitoring, the permittee shall compile records of required monitoring information that include:
 - a. Date, place (as defined in this permit), and time of sampling or measurements;
 - b. Analyses performance dates;
 - c. Company or entity that performed analyses;
 - d. Analytical techniques or methods used;
 - e. Analyses results; and
 - f. Operating conditions during time of sampling or measurement.
2. Pursuant to Section 1b (IV)(1) of the materials incorporated by reference in 401 KAR 52:030 Section 10, records of all required monitoring data, support information (including calibrations, maintenance records, and original strip chart recordings), and reports required by the Division for Air Quality shall be retained by the permittee for a period of five years. In accordance with Section 1a (7) of the materials incorporated by reference in 401 KAR 52:030 Section 10 and 401 KAR 52:030 Section 3(1)(f)1a, these records shall be made available for inspection upon request by any duly authorized representative of the Division for Air Quality.
3. In accordance with the requirements of 401 KAR 52:030 Section 3(1)(f) the permittee shall allow authorized representatives of the Cabinet to perform the following during reasonable times:
 - a. Access and copy any records required by this permit, enter upon the premises to inspect any facility, equipment (including air pollution control equipment), practice, or operation; and
 - b. Sample or monitor substances or parameters that affect compliance with the permit or any applicable requirements.Reasonable times include all hours of operation, normal office hours, and during an emergency.
4. No person shall obstruct, hamper, or interfere with any Cabinet employee or authorized representative while in the process of carrying out official duties. Refusal of entry or access may constitute grounds for permit revocation and assessment of civil penalties.
5. Summary reports of any monitoring required by this permit, other than continuous emission or opacity monitors, shall be submitted to the Regional Office listed on the front of this permit at least every six (6) months during the life of this permit, unless otherwise stated in this permit. For emission units that were still under construction or which had not commenced operation at the end of the 6-month period covered by the report and are subject to monitoring requirements in this permit, the report shall indicate that no monitoring was performed during the previous six months because the emission unit was not in operation.

SECTION F - MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS (CONTINUED)

6. The semi-annual reports are due prior to January 30th and July 30th of each year. All reports shall be certified by a responsible official pursuant to 401 KAR 52:030 Section 22. All deviations from permit requirements shall be clearly identified in the reports.
7. In accordance with the provisions of 401 KAR 50:055, Section 1 the owner or operator shall notify the Regional Office listed on the front of this permit concerning startups, shutdowns, or malfunctions as follows:
 - a. When emissions during any planned shutdowns and ensuing startups will exceed the standards notification shall be made no later than three (3) days before the planned shutdown, or immediately following the decision to shut down, if the shutdown is due to events which could not have been foreseen three (3) days before the shutdown.
 - b. When emissions due to malfunctions, unplanned shutdowns and ensuing startups are or may be in excess of the standards notification shall be made as promptly as possible by telephone (or other electronic media) and shall cause written notice upon request.
8. Pursuant to Section 1b V(3) and (4) of the material incorporated by reference in 401 KAR 52:030 Section 10, the owner or operator shall report emission related exceedances from permit requirements including those attributed to upset conditions (other than emission exceedances covered by Section F.7 above) to the Regional Office listed on the front of this permit within 30 days. Other deviations from permit requirements shall be included in the semiannual report required by Section F.5.
9. Pursuant to 401 KAR 52:030, Section 21, the permittee shall annually certify compliance with the terms and conditions contained in this permit by completing and returning a Compliance Certification Form (DEP 7007CC) (or an approved alternative) to the Regional Office listed on the front of this permit in accordance with the following requirements:
 - a. Identification of each term or condition of the permit that is the basis of the certification;
 - b. The compliance status regarding each term or condition of the permit;
 - c. Whether compliance was continuous or intermittent; and
 - d. The method used for determining the compliance status for the source, currently and over the reporting period.
 - e. For an emissions unit that was still under construction or which has not commenced operation at the end of the year covered by the annual compliance certification, the permittee shall indicate that the unit is under construction and that compliance with any applicable requirements will be demonstrated within the timeframes specified in the permit.
 - f. The certification shall be postmarked by January 30th of each year. Annual compliance certifications should be mailed to the following addresses:

Division for Air Quality
Owensboro Regional Office
3032 Alvey Park Drive W.
Suite 700

Division for Air Quality
Central Files
803 Schenkel Lane
Frankfort, KY 40601

Owensboro, KY 42303-2191

SECTION F - MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS (CONTINUED)

10. In accordance with 401 KAR 52:030, Section 3(1)(d), the permittee shall provide the division with all information necessary to determine its subject emissions within thirty (30) days of the date the KEIS emission report is mailed to the permittee. If a KEIS emission report is not mailed to the permittee, comply with all other emission reporting requirements in this permit.
11. Pursuant to Section VII.3 of the policy manual of the Division for Air Quality as referenced by 401 KAR 50:016, Section 1(1), results of performance test(s) required by the permit shall be submitted to the division by the source or its representative within forty-five days after the completion of the fieldwork.
12. The cabinet may authorize the temporary use of an emission unit to replace a similar unit that is taken off-line for maintenance, if the following conditions are met:
 - a. The owner or operator shall submit to the cabinet, at least ten (10) days in advance of replacing a unit, the appropriate Forms DEP7007AI to DD that show:
 - i. The size and location of both the original and replacement units; and
 - ii. Any resulting change in emissions;
 - b. The PTE of the replacement unit shall not exceed that of the original unit by more than twenty-five (25) percent of a major source threshold, and the emissions from the unit shall not cause the source to exceed the emissions allowable under the permit;
 - c. The PTE of the replacement unit or the resulting PTE of the source shall not subject the source to a new applicable requirement;
 - d. The replacement unit shall comply with all applicable requirements; and
 - e. The source shall notify Regional office of all shutdowns and start-ups.
 - f. Within six (6) months after installing the replacement unit, the owner or operator shall:
 - i. Re-install the original unit and remove or dismantle the replacement unit; or
 - ii. Submit an application to permit the replacement unit as a permanent change.

SECTION G - GENERAL PROVISIONS

(a) General Compliance Requirements

1. The permittee shall comply with all conditions of this permit. A noncompliance shall be a violation of 401 KAR 52:030 Section 3(1)(b) and is also a violation of Federal Statute 42 USC 7401 through 7671q (the Clean Air Act). Noncompliance with this permit is grounds for enforcement action including but not limited to the termination, revocation and reissuance, revision, or denial of a permit. [Section 1a (2) of the materials incorporated by reference in 401 KAR 52:030 Section 10]
2. Notification by the permittee of a planned change or anticipated noncompliance, or filing of a request for any permit revision, reissuance, or rescission shall not stay any permit condition. [Section 1a (5) of the materials incorporated by reference in 401 KAR 52:030 Section 10]
3. Pursuant to Section 1a (2) of the materials incorporated by reference in 401 KAR 52:030 Section 10, 401 KAR 52:030 Section 7(3), and 401 KAR 50:060 Section 2, this permit may be revised, revoked, reopened and reissued, or terminated for cause in accordance with 401 KAR 52:030 Section 18. The permit will be reopened for cause and revised accordingly under the following circumstances:
 - a. If additional applicable requirements become applicable to the source and the remaining permit term is three (3) years or longer. In this case, the reopening shall be completed no later than eighteen (18) months after promulgation of the applicable requirement. A reopening shall not be required if compliance with the applicable requirement is not required until after the date on which the permit is due to expire, unless this permit or any of its terms and conditions have been extended pursuant to 401KAR 52:030 Section 12;
 - b. The Cabinet or the U. S. EPA determines that the permit must be revised or revoked to assure compliance with the applicable requirements;
 - c. The Cabinet or the U. S. EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.
4. Proceedings to reopen and reissue a permit shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of the permit for which cause to reopen exists. Reopenings shall be made as expeditiously as practicable. Reopenings shall not be initiated before a notice of intent to reopen is provided to the source by the Division, at least thirty (30) days in advance of the date the permit is to be reopened, except that the division may provide a shorter time period in the case of an emergency.
5. The permittee shall furnish upon request information requested by the division to determine compliance with the permit or to determine if cause exists for modifying, revoking and reissuing, or terminating the permit. [Sections 1a (6) and (7) of the materials incorporated by reference in 401 KAR 52:030 Section 10]

SECTION G - GENERAL PROVISIONS (CONTINUED)

(a) General Compliance Requirements (continued)

6. The permittee, upon becoming aware that any relevant facts were omitted or incorrect information was submitted in the permit application, shall promptly submit such supplementary facts or corrected information to the permitting authority. [401 KAR 52:030 Section 7(1)]
7. Any condition or portion of this permit which becomes suspended or is ruled invalid as a result of any legal or other action shall not invalidate any other portion or condition of this permit. [Section 1a (11) of the materials incorporated by reference in 401 KAR 52:030 Section 10]
8. The permittee shall not use as a defense in an enforcement action the contention that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance. [Section 1a (3) of the materials incorporated by reference in 401 KAR 52:030 Section 10]
9. Except as identified as state-origin requirements in this permit, all terms and conditions contained herein shall be enforceable by the United States Environmental Protection Agency and citizens of the United States. [Section 1a (12)(b) of the materials incorporated by reference in 401 KAR 52:030 Section 10]
10. This permit shall be subject to suspension if the permittee fails to pay all emissions fees within 90 days after the date of notice as specified in 401 KAR 50:038 Section 3(6). [Section 1a (9) of the materials incorporated by reference in 401 KAR 52:030 Section 10]
11. Nothing in this permit shall alter or affect the liability of the permittee for any violation of applicable requirements prior to or at the time of permit issuance. [401 KAR 52:030 Section 11(3)]
12. This permit does not convey property rights or exclusive privileges. [Section 1a (8) of the materials incorporated by reference in 401 KAR 52:030 Section 10]
13. Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by the Kentucky Cabinet for Natural Resources and Environmental Protection or any other federal, state, or local agency.
14. Nothing in this permit shall alter or affect the authority of U.S. EPA to obtain information pursuant to Federal Statute 42 USC 7414, Inspections, monitoring, and entry.
15. Nothing in this permit shall alter or affect the authority of U.S. EPA to impose emergency orders pursuant to Federal Statute 42 USC 7603, Emergency orders.
16. Permit Shield – A permit shield shall not protect the owner or operator from enforcement actions for violating an applicable requirement prior to or at the time of permit issuance. Compliance with the conditions of this permit shall be considered compliance with:
 - (a) Applicable requirements that are included and specifically identified in this permit; and
 - (b) Non-applicable requirements expressly identified in this permit.

SECTION G - GENERAL PROVISIONS (CONTINUED)

(a) General Compliance Requirements (continued)

17. Emission units described in this permit shall demonstrate compliance with applicable requirements if requested by the division. [401 KAR 52:030 Section 3(1)(c)]
18. The authority to operate granted through this permit shall cease to apply if the source fails to submit additional information requested by the division after the completeness determination has been made on any application, by whatever deadline the division sets. [401 KAR 52:030 Section 8(2)]
19. All previously issued construction and operating permits are hereby subsumed into this permit.

(b) Permit Expiration and Reapplication Requirements

This permit shall remain in effect for a fixed term of five (5) years following the original date of issue. Permit expiration shall terminate the source's right to operate unless a timely and complete renewal application has been submitted to the division at least six months prior to the expiration date of the permit. Upon a timely and complete submittal, the authorization to operate within the terms and conditions of this permit, including any permit shield, shall remain in effect beyond the expiration date, until the renewal permit is issued or denied by the division. [401 KAR 52:030 Section 12]

(c) Permit Revisions

1. Minor permit revision procedures specified in 401 KAR 52:030 Section 14 (3) may be used for permit revisions involving the use of economic incentive, marketable permit, emission trading, and other similar approaches, to the extent that these minor permit revision procedures are explicitly provided for in the SIP or in applicable requirements and meet the relevant requirements of 401 KAR 52:030 Section 14 (2).
2. This permit is not transferable by the permittee. Future owners and operators shall obtain a new permit from the Division for Air Quality. The new permit may be processed as an administrative amendment if no other change in this permit is necessary, and provided that a written agreement containing a specific date for transfer of permit responsibility coverage and liability between the current and new permittee has been submitted to the permitting authority within ten (10) days following the transfer.

(d) Construction, Start-Up, and Initial Compliance Demonstration Requirements

1. Construction of process and/or air pollution control equipment authorized by this permit shall be conducted and completed only in compliance with the conditions of this permit.

SECTION G - GENERAL PROVISIONS (CONTINUED)**(d) Construction, Start-Up, and Initial Compliance Demonstration Requirements (continued)**

2. Within thirty (30) days following commencement of construction and within fifteen (15) days following start-up and attainment of the maximum production rate specified in the permit application, or within fifteen (15) days following the issuance date of this permit, whichever is later, the permittee shall furnish to the Regional Office listed on the front of this permit in writing, with a copy to the division's Frankfort Central Office, notification of the following:
 - a. The date when construction commenced.
 - b. The date of start-up of the affected facilities listed in this permit.
 - c. The date when the maximum production rate specified in the permit application was achieved.
3. Pursuant to 401 KAR 52:030 Section 7(3), 401 KAR 50:060 Section 2 and Section 1a (4) of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 10; this permit may be revised, revoked, reopened and reissued, or terminated for cause in accordance with 401 KAR 52:030 Section 18. The permit will be reopened for cause and revised accordingly under the following circumstances:
 - a. If additional applicable requirements become applicable to the source and the remaining permit term is three (3) years or longer. In this case, the reopening shall be completed no later than eighteen (18) months after promulgation of the applicable requirement. A reopening shall not be required if compliance with the applicable requirement is not required until after the date on which the permit is due to expire, unless this permit or any of its terms and conditions have been extended pursuant to 401 KAR 52:030 Section 12;
 - b. The Cabinet or the U. S. EPA determines that the permit must be revised or revoked to assure compliance with the applicable requirements;
 - c. The Cabinet or the U. S. EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.

Proceedings to reopen and reissue a permit shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of the permit for which cause to reopen exists. Reopenings shall be made as expeditiously as practicable. Reopenings shall not be initiated before a notice of intent to reopen is provided to the source by the Division, at least thirty (30) days in advance of the date the permit is to be reopened, except that the Division may provide a shorter time period in the case of an emergency.

4. The permittee shall furnish upon request information requested by the Division to determine compliance with the permit or to determine if cause exists for modifying, revoking and reissuing, or terminating the permit [Sections 1a (6) and (7) of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 10].

SECTION G - GENERAL PROVISIONS (CONTINUED)

(d) Construction, Start-Up, and Initial Compliance Demonstration Requirements (continued)

5. This permit shall allow time for the initial start-up, operation, and compliance demonstration of the affected facilities listed herein. However, within sixty (60) days after achieving the maximum production rate at which the affected facilities will be operated but not later than 180 days after initial start-up of such facilities, the permittee shall conduct a performance demonstration test on the affected facilities in accordance with 401 KAR 50:055, General compliance requirements. These performance tests must be conducted in accordance with General Provision G(d)6 of this permit and the permittee must also furnish a written report of the results of such performance tests to the division's Frankfort Central Office.
6. Pursuant to Section VII 2.(1) of the policy manual of the Division for Air Quality as referenced by 401 KAR 50:016, Section 1.(1), at least one month prior to the date of the required performance test, the permittee shall complete and return a Compliance Test Protocol (Form DEP 6027) to the division's Frankfort Central Office. Pursuant to 401 KAR 50:045, Section 5, the division shall be notified of the actual test date at least ten (10) days prior to the test.

SECTION G - GENERAL PROVISIONS (CONTINUED)

(e) Acid Rain Program Requirements

1. If an applicable requirement of Federal Statute 42 USC 7401 through 7671q (the Clean Air Act) is more stringent than an applicable requirement promulgated pursuant to Federal Statute 42 USC 7651 through 7651o (Title IV of the Act), both provisions shall apply, and both shall be state and federally enforceable.

(f) Emergency Provisions

1. Pursuant to 401 KAR 52:030 Section 23(1), an emergency shall constitute an affirmative defense to an action brought for noncompliance with the technology-based emission limitations if the permittee demonstrates through properly signed contemporaneous operating logs or other relevant evidence that:
 - a. An emergency occurred and the permittee can identify the cause of the emergency;
 - b. The permitted facility was at the time being properly operated;
 - c. During an emergency, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards or other requirements in the permit; and,
 - d. The permittee notified the division as promptly as possible and submitted written notice of the emergency to the division within two (2) working days of the time when emission limitations were exceeded due to the emergency. The notice shall include a description of the emergency, steps taken to mitigate emissions, and the corrective actions taken.
2. Notification of the division does not relieve the source of any other local, state or federal notification requirements.
3. Emergency conditions listed in General Provision G(f)1 above are in addition to any emergency or upset provision(s) contained in an applicable requirement. [401 KAR 52:030 Section 23(3)]
4. In an enforcement proceeding, the permittee seeking to establish the occurrence of an emergency shall have the burden of proof. [401 KAR 52:030 Section 23(2)]

(g) Risk Management Provisions

1. The permittee shall comply with all applicable requirements of 401 KAR Chapter 68, Chemical Accident Prevention, which incorporates by reference 40 CFR Part 68, Risk Management Plan provisions. If required, the permittee shall comply with the Risk Management Program and submit a Risk Management Plan to:

RMP Reporting Center
P.O. Box 3346
Merrifield, VA, 22116-3346

2. If requested, submit additional relevant information by the division or the U.S. EPA.

SECTION G - GENERAL PROVISIONS (CONTINUED)

(h) Ozone depleting substances

1. The permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 CFR 82, Subpart F, except as provided for Motor Vehicle Air Conditioners (MVACs) in Subpart B:
 - a. Persons opening appliances for maintenance, service, repair, or disposal shall comply with the required practices contained in 40 CFR 82.156.
 - b. Equipment used during the maintenance, service, repair, or disposal of appliances shall comply with the standards for recycling and recovery equipment contained in 40 CFR 82.158.
 - c. Persons performing maintenance, service, repair, or disposal of appliances shall be certified by an approved technician certification program pursuant to 40 CFR 82.161.
 - d. Persons disposing of small appliances, MVACs, and MVAC-like appliances (as defined at 40 CFR 82.152) shall comply with the recordkeeping requirements pursuant to 40 CFR 82.166.
 - e. Persons owning commercial or industrial process refrigeration equipment shall comply with the leak repair requirements pursuant to 40 CFR 82.156.
 - f. Owners/operators of appliances normally containing 50 or more pounds of refrigerant shall keep records of refrigerant purchased and added to such appliances pursuant to 40 CFR 82.166.
2. If the permittee performs service on motor (fleet) vehicle air conditioners containing ozone-depleting substances, the source shall comply with all applicable requirements as specified in 40 CFR 82, Subpart B, Servicing of Motor Vehicle Air Conditioners.